

Dianne C. Kerns, Trustee
Office of Chapter 13 Bankruptcy
PMB #413
7320 N. La Cholla #154
Tucson, AZ 85741
Telephone (520) 544-9094

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

IN RE:)	CHAPTER 13 PROCEEDINGS
)	
JASON EDWARD VANWORMER)	CASE NO.: 16-bk-13570-SHG
THERESA MARIE VANWORMER)	
)	2017 IRS and ADOR
)	
)	
DEBTORS)	

**TRUSTEE MOTION TO DISMISS FOR FAILURE TO SUBMIT
POST-PETITION TAX RETURNS
AND
NOTICE OF INTENT TO LODGE ORDER DISMISSING CASE WITHOUT A
HEARING**

DIANNE CRANDELL KERNS, the Standing Chapter 13 Trustee, hereby moves this Court to dismiss this Chapter 13 case pursuant to 11 U.S.C. §§ 521, 1308(a) and LRBP 2084-5. In support of this Motion the Trustee asserts that:

1. Debtors filed for relief on November 29, 2016.
2. The 341(a) Meeting of Creditors was first scheduled for January 06, 2017.
3. Pursuant to 11 U.S.C. §§521(f), at the request of the Trustee, the Debtors shall file with the court*, post petition tax returns each year the bankruptcy case is pending.
4. The Trustee has requested such filing:
 - a. In the Debtor Information Packet provided at commencement of this case; **
 - b. In the plan objection/evaluation filed in this case.
 - c. The Trustee also sent a letter to the Debtors requesting said tax returns.
5. To the best of the Trustee's knowledge and belief, the Debtors have not provided copies of the required tax returns to the Trustee.

6. Pursuant to LRBP 2084-5 "Unless the court grants a motion for an extension of time, if a debtor fails to comply with Bankruptcy Code §§521(e) or (f), or § 1308(a), the case trustee may upload a dismissal order and the court may summarily dismiss the case, or the case trustee may file a motion to dismiss..."

In this case the Debtors have failed to provide copies of the **2017 IRS and ADOR** tax returns to the Trustee in compliance with 11 U.S.C. §§521 and LRBP 2084-5. WHEREFORE the Trustee respectfully requests that the Court dismiss this case.

The Trustee further gives notice of her intent to upload an order dismissing this case WITHOUT FURTHER NOTICE OF HEARING unless the Debtors file an objection to this motion including documentation that the taxes have been submitted to the Trustee.

Dated: January 03, 2019

OFFICE OF THE CHAPTER 13 TRUSTEE
7320 N. La Cholla #154-413
Tucson, AZ 85741

By /s/ DCK 011557

Dianne Crandell Kerns, Chapter 13 Trustee

Copy of the foregoing lodged with U.S. Bankruptcy
Court and mailed this: 1/3/2019

JASON EDWARD VANWORMER
THERESA MARIE VANWORMER
9662 E NIDO AVE
MESA, AZ 85209

DANIEL E GARRISON
THE TURNAROUND TEAM PLLC
1166 E WARNER RD. STE 205
GILBERT, AZ 85296

Submitted By Nancy Strickler

* The Bankruptcy Code requires that the debtor file tax returns with the bankruptcy court. Recognizing that this may be uncomfortable to certain debtors, the Trustee requests only the the tax returns be submitted to her office.

** Debtor Information Packet is also available on the Trustee's website: www.dcktrustee.com